

Delegated Report

Planning Ref: 23/00599/HOU

Applicant: Mrs Emma Mottram

Ward: Cadeby Carlton M Bosworth & Shackerstone

Site: Lyndhurst 23 Odstone Road Barton In The Beans



Hinckley & Bosworth
Borough Council

Proposal: Extension of existing dropped kerb

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

2.1. The application seeks consent to extend the dropped kerb at Lyndhurst, 23 Odstone Road, Barton In The Beans.

2.2. The existing dropped kerb (3.90 metres) would be extended by 3.70 metres in width.

3. Description of the site and surrounding area

3.1. The application dwelling relates to a detached two-storey dwelling situated outside of the settlement boundary of Barton In The Beans. The hipped roof dwelling with a projecting gable to front elevation dwelling comprises red brick to the walls with slate to the roof. An existing lean to car port can be seen to the south elevation and single storey hipped roof extension to west (rear) elevation.

3.2. The dwelling sits to the western side of Odstone Road. To the eastern, northern and western side of the dwelling sits an area of Greenland and to the southern side of the dwelling sits a line of four dwellings.

3.3. The street scene is not uniform in scale, design or finish. However, by virtue of the development being a minor alteration to the dwelling there is not considered to be an adverse impact upon the street scene of Odstone Road and the wider surrounding area.

4. Relevant planning history

13/00092/HOU

- Extensions and alterations to dwelling.
- PER
- 08.04.2013

23/00599/HOU

- Extension of existing dropped kerb
- PDE
-

77/01213/4M

- ERECTION OF CARPORT
- PER
- 21.11.1977

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. No objections have been received.

6. Consultation

6.1. LCC Highways; (28.07.2023)

- Standard informative received to advise LPA and applicant that the proposed dimensions of the access and parking area should accord with the advice contained in the highway design guide.
- The LPA should also consider 1m by 1m pedestrian visibility splays for both sides of the proposed access within the site.
- It should be noted that – irrespective of planning permission – the Applicant would need to apply to Leicestershire County Council (LCC) to create an extended vehicular access onto the adopted highway network.
- The proposals show that the Applicant intends to remove a section of highway verge. Whilst this may be acceptable there may be statutory undertaker apparatus located within the verge/footway fronting the site; the applicant will need to undertake surveys and potentially works to relocate these services. Any additional cost that arises as a result of this would be entirely at the Applicant's expense.

6.2. Re-consultation - LCC Highways; (04.09.2023)

- No objections following the submission of pedestrian visibility splays.

6.3. Shackerstone Parish Council;

- No objections have been received

7. Policy

7.1. Core Strategy (2009)

- Policy 13: Rural Hamlets

7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety

Assessment against strategic planning policies

8.2 Notwithstanding that the application site is located in the countryside; the NPPF and Policy DM1 of the Site Allocations and Development Management Policies (SADMP) provide a presumption in favour of sustainable development. Policy DM4 of the SADMP sets out the circumstances in which development would be considered sustainable within the countryside, such as a householder application which leads to the enhancement of the immediate setting and does not impact upon the intrinsic value of the open character of the countryside.

8.3 This application proposes the extension of an existing dropped kerb and therefore is a sustainable development within the countryside and acceptable in principle. Compliance with the relevant sections of Policy DM4 of the SADMP will be assessed further in the following section.

Design and impact upon the character of the area

8.4 Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

8.5 Policy DM4 of the SADMP allows for sustainable development in the countryside where it meets specific criteria. Criterion i) is most relevant and requires that the development represents no significant adverse effects to the intrinsic value, beauty, open character and landscape character of the countryside location.

8.6 The proposed dropped kerb would be located to the front of Lyndhurst, 23 Odstone Road and would involve the extension of an existing dropped kerb which at current measures 3.90 metres in width. The proposed extension of 3.70 metres would give a total width of the dropped kerb to 7.60 metres. Odstone Road is characterised by dropped kerbs and therefore the proposed development would be in-keeping with this precedent.

8.7 Criterion ii – v of Policy DM4 of the SADMP would not be relevant to this application as the proposal would not undermine the separation between settlements, not create or exacerbate ribbon development and is not located in the Green Wedge or the National Forest.

8.8 In light of the above, it is considered that the proposal would complement the character of the existing dwelling and surrounding area/countryside and therefore complies with Policies DM4 and DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.9 Policy DM10 of the SADMP state that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.10 By the nature of development, the proposed dropped kerb extension would not have any adverse impacts upon neighbouring residential amenity, in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.11 Policies DM17 and DM18 of the SADMP states that proposals should ensure that there is adequate provision for on and off street parking for residents and visitors and there is no impact upon highway safety.
- 8.12 The proposal would create an extended access for the off street parking of approximately three vehicles on the application site. The majority of the area forward of the principle elevation of the dwelling is already hard surfaced, however proposal does include the partial re-surfing of a section of land currently covered in vegetation to the north. The hardstanding is to be coherent with the existing materials already in use.
- 8.13 The hardstanding measures a minimum of approximately 11.40 metres in width a minimum of approximately 7.43 metres in depth meeting the dimensions as set out in paragraph 3.165 of the LHDG.
- 8.14 The increased access would not have any adverse impact upon the provision of adequate on-street parking along this section of Odstone Road, whereby each dwelling is served by ample off-street parking provision. It is considered that any impact upon the existing road network would not be severe.
- 8.15 A vehicular visibility splay has been submitted to the Local Planning Authority as suggested by LCC Highways. After assessment the LPA is satisfied that there would be sufficient visibility. No further comments have been received from LCC Highways.
- 8.16 In this regard, the proposal would comply with Policy DM17 and DM18 of the SADMP.

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
 - (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

9.3 There are no known equality implications arising directly from this development.

10. Conclusion

10.1. The proposal would respect the character of the existing dwelling and the surrounding area. It would retain adequate private amenity within the curtilage and would not adversely affect the amenities of the occupiers of neighbouring properties. It would have no impact upon highway safety. The application is considered to be in accordance with Policies DM1, DM4, DM10, DM17 and DM18 of the SADMP.

11. Recommendation

11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

11.2 Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The materials to be used externally shall accord with the approved application form, as received by the Local Planning Authority on the 15th June 2023.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Site Location Plan and Block Plan as received by the Local Planning Authority on the 17th July 2023.

Proposed Parking Provision and Hardstanding as received by the Local Planning Authority on the 16th August 2023.

Pedestrian Splay as received by the Local Planning Authority on the 24th August 2023.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.3 Notes to applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at building.control@blaby.gov.uk or call 0116 272 7533.
2. This permission does not give the Applicant approval to work on the public highway. Therefore, prior to carrying out any works on the public highway the Applicant must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 3050 001.
3. LCC Highways note that the proposal shows that the Applicant intends to remove a section of highway verge. Whilst this may be acceptable there may be statutory undertaker apparatus located within the verge/footway fronting the site; the applicant will need to undertake surveys and potentially works to relocate these services. Any additional cost that arises as a result of this would be entirely at the Applicant's expense.